

AUSA: Janet L. Parker Telephone: (989) 895-5712
 AO 106 (Rev. 04/10) Application for a Search Warrant Special Agent: Anthony Len Kraudelt, Jr Telephone: (989) 225-9470

UNITED STATES DISTRICT COURT
 for the
 Eastern District of Michigan

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address) Case No. 1:19-mc-51825
 ATKINSONBRITT@HOTMAIL.COM ACCOUNT) Judge: Ludington, Thomas L.
 MAINTAINED BY MICROSOFT, INC) Filed: 12-17-2019

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Atkinsonbritt@hotmail.com account maintained by Microsoft, Inc.

located in the Eastern District of Michigan, there is now concealed (identify the person or describe the property to be seized):

See Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

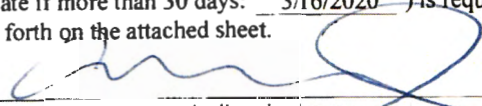
The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §875(c)	Communication containing any threat to injure the person of another

The application is based on these facts:

See attached AFFIDAVIT.

- ☒ Continued on the attached sheet.
☒ Delayed notice 90 days (give exact ending date if more than 30 days: 3/16/2020) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature
 Special Agent Anthony Len Kraudelt, Jr., FBI
 Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: December 17, 2019

City and state: Bay City, Michigan


 Judge's signature
 Patricia T. Morris U. S. Magistrate Judge
 Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

IN THE MATTER OF THE SEARCH OF)
ATKINSONBRITT@HOTMAIL.COM)
ACCOUNT MAINTAINED BY)
MICROSOFT, INC)

Crim. No. 1:19-mc-51825
Judge: Ludington, Thomas L.
Filed: 12-17-2019

SEARCH WARRANT AFFIDAVIT

I, Anthony Len Kraudelt Jr., being duly sworn, state:

1. I am a Special Agent with the Federal Bureau of Investigation, assigned to the Detroit Field Office, Bay City Resident Agency, and have been so employed since January 8, 2006. I have a graduate certificate in counter terrorism, a master's degree in information security, a bachelor's degree in computer information systems, and over ten computer and technology industry certifications. I have also attended multiple internal FBI and publically available courses on advanced cybercrime and information security awareness.

2. I am submitting this affidavit in support of an application for a search warrant for the contents of the atkinsonbritt@hotmail.com account maintained by Microsoft, Inc., for evidence of one or more violations of 18 U.S.C. §875(c), which makes it a crime to transmit in interstate or foreign commerce any communication containing any threat to injure the person of another.

3. Attorney Mark Zaid of Washington, D.C., represents the whistleblower whose information partially gave rise to the current presidential impeachment investigation. On November 7, 2019, Zaid received an email from atkinsonbritt@hotmail.com. The email stated, "All traitors must die miserable deaths. Those that represent traitors shall meet the same fate, we will hunt you down and bleed you out like the pigs you are. We have nothing but time, and you are running out of it. Keep looking over your shoulder, we know who you are, where you live, and who you associate with, we are all strangers in a crowd to you, the next move is yours." The red lettering and underling were in the original email sent to Zaid.

4. Open source and commercial database information indicate that the email address has been used by Brittan Jay Atkinson of Beaverton, Michigan.

5. On November 21, 2019, I interviewed Brittan Jay Atkinson at his home in Beaverton while accompanied by two other law enforcement officers. Atkinson acknowledged that he had sent the email to Mark Zaid and called Zaid a traitor. Atkinson began yelling that traitors deserve what they get and anyone like that "piece of shit attorney deserves what he gets."

6. Atkinson was verbally aggressive throughout the interview, repeatedly yelling, swearing, and gestering angrily with his hands. Eventually, Atkinson demanded that I, and the others with me, leave.

7. During the interview, I sat across from Atkinson at his dining room table. As I stood up to leave as demanded by Atkinson, I accidentally bumped the table, causing it to move slightly in Atkinson's direction. Atkinson reacted violently, shoving the dining room table across the room, causing the table and several chairs to hit the wall, and sending the items on the table flying. Atkinson then unsuccessfully demanded that one of the other law enforcement officers with me arrest me for assault. Atkinson continued to scream and make obscene gestures as we three left. Atkinson's statements and behavior gave me every reason to believe that he had sent the threatening email to Zaid.

8. Based on my training and experience, I know that Microsoft, Inc., stores an account user's digital content, including email messages, the account user's contact list, calendar items, social media profiles, documents, photographs and videos, and subscriber information for the account. Such information often provides evidence regarding who used the account.

9. Based on the above, I submit that there is probable cause to believe that the atkinsonbritt@hotmail.com email account may contain the original threat sent to Zaid by Atkinson, as well as other threatening communications, and evidence that will confirm that Atkinson was the sender of the email. All such evidence would be evidence of one or more violations of 18 U.S.C. §875(c).

10. Based on my knowledge, training, and experience, I know that online accounts store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time online until permanently deleted by a user or overwritten through normal user interactions. This information can sometimes be recovered with forensics tools.

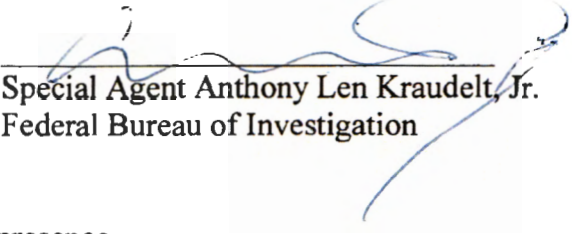
11. Pursuant to Rule 41(e)(2)(B), I am seeking a warrant that permits the examination of electronically stored data, including account contents, upon obtaining the data from Microsoft, Inc. The examination probably will require authorities to employ investigative techniques, including computer-assisted scans of the data provided by Microsoft, to assist investigators in reviewing the data to determine whether it contains evidence of threatening communications. Based on my training and experience, I submit that evidence related to known, actual and attempted threatening communications can be found in the stored content data for the account, while evidence related to the transmission of threatening communications, and the person(s) responsible for the threatening communications, can be obtained by examining data from Microsoft, Inc., regarding account activity, subscriber information, the contact list for the account, and information regarding the creation of any associated accounts. I also submit that communications in any form found within the account, and any associated accounts, including draft communications and photographic images, may contain threats and/or threatening images.

12. If authorized, I anticipate executing the warrant under the Electronic Communications Privacy Act, by using the warrant to require Microsoft to disclose to the government subscriber information and, for the period from December 1, 2018 to December 15, 2019, stored data (including the contents of communications), as detailed in section I of Attachment A. (Under 18 U.S.C. §2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant for the Microsoft records.) Upon receipt of that information, I will search that information to locate the evidence described above and in section II of Attachment A, perhaps with the assistance of others tasked with intelligence analyst and/or law enforcement responsibilities.

13. I submit that, pursuant to 18 U.S.C. §2703(b)(1)(A), the government is not required to notify the user of the Microsoft account of the existence of the search warrant. I request that, pursuant to the preclusion of notice provisions of 18 U.S.C. § 2705(b), the court order Microsoft not to notify any person (including the account user) of the existence of the search warrant, the court's order, or of this investigation unless and until authorized to do so by the court. I submit that such an order is justified because giving notice of the continuation of the investigation to the account user or another could result in the destruction of evidence, possibly cause the user to flee the jurisdiction, or otherwise seriously jeopardize the ongoing investigation.

14. Furthermore, I request that the court set a date by which Microsoft, Inc., must comply with the warrant or show cause as to why it has not complied. I am requesting that the content data (distinct from the subscriber information) be provided for the timeframe of December 1, 2018 to December 15, 2019, and therefore submit that allowing Microsoft, Inc., to comply with its obligations under the warrant within 30 calendar days of its receipt of the warrant is appropriate.

15. I, therefore, respectfully request a warrant authorizing the search and seizure of the atkinsonbritt@hotmail.com account maintained by Microsoft, Inc., for the evidence described above and in attachment A.



Special Agent Anthony Len Kraudelt, Jr.
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means on
December 17, 2019.



Patricia T. Morris
United States Magistrate Judge
Eastern District of Michigan

ATTACHMENT A
Particular Things to be Seized

I. Information to be disclosed by Microsoft, Inc., within 30 days of service

Stored information possessed or in the custody of Microsoft, Inc., including messages, records, files, and logs that have been deleted but are still available to Microsoft, Inc., or have been preserved pursuant to a request made under 18 U.S.C. §2703(f), shall be disclosed by Microsoft, Inc., to the government for the

ATKINSONBRITT@HOTMAIL.COM account, including:

- (a) All stored communications and other files in your possession, whether physical, stored on electronic media, or temporarily extant on any computer or server, reflecting communications to or from the account from December 1, 2018 to December 15, 2019;
- (b) All account subscriber information, including identifiers and screen names;
- (c) The identifiers and subscriber information for any other email accounts associated with the account;
- (d) Contents of contacts lists;
- (e) Connection logs and records of user message activity from December 1, 2018 to December 15, 2019, including sender identifiers (*i.e.*, names, addresses and/or IP addresses), connection date, time, and method of connection (telnet, ftp, http);

II. Information to be seized by the government

- a. Communications in any form by the ATKINSONBRIT@HOTMAIL.COM account and associated accounts, including draft communications and photographic images, containing threats and/or threatening images;
- b. All available information regarding the sender and recipients(s) of the threatening communications, including recipient information in the contact lists; and
- c. Data indicating how and when the ATKINSONBRIT@HOTMAIL.COM Microsoft, Inc., account was accessed or used, to determine the chronological and geographic context of account access, use, and the events relating to the threatening email under investigation and to the Microsoft, Inc., account user.

AUSA: Janet L. Parker

Telephone: (989) 895-5712

AO 93 (Rev. 11/13) Search and Seizure Warrant

Special Agent: Anthony Len Kraudelt, Jr

Telephone: (989) 225-9470

UNITED STATES DISTRICT COURT

for the
Eastern District of MichiganIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)ATKINSONBRITT@HOTMAIL.COM ACCOUNT
MAINTAINED BY MICROSOFT, INCCase No. 1:19-mc-51825
Judge: Ludington, Thomas L.
Filed: 12-17-2019

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Eastern District of Michigan.
(identify the person or describe the property to be searched and give its location):

Atkinsonbritt@hotmail.com account maintained by Microsoft, Inc.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Attachment A

YOU ARE COMMANDED to execute this warrant on or before December 31, 2019 (not to exceed 14 days)☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the presiding United States Magistrate Judge on duty.
(United States Magistrate Judge)☒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)☐ for days (not to exceed 30) ☒ until, the facts justifying, the later specific date of 3/16/2020Date and time issued: December 17, 2019 3:51 pm
Judge's signatureCity and state: Bay City, MichiganPatricia T. Morris U. S. Magistrate Judge
Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

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